

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,

Plaintiff,

v.

KATHRYN G. GARTEN,

Defendant.

Case No. 3:12-CR-30320-NJR-1

ORDER REDUCING SENTENCE

ROSENSTENGEL, Chief Judge:

Now before the Court is Defendant Kathryn G. Garten's Motion for Reduced Sentence Pursuant to 18 U.S.C. § 3582(c)(2). (Doc. 153). Garten seeks a reduction in sentence from 168 months' imprisonment to 135 months' imprisonment pursuant to 18 U.S.C. § 3582(c)(2) and Part B of Amendment 821 to the United States Sentencing Guidelines ("U.S.S.G."). (*Id.*). The Government does not oppose the motion. (Doc. 154).

Under Part B of Amendment 821, offenders with zero criminal history points and whose offense did not involve specified aggregating factors shall receive a two-level decrease in their offense level. U.S.S.G. § 4C1.1. Part B of Amendment 821 applies retroactively, though a court may not order the release of a defendant to occur before February 1, 2024. *See* § 1B1.10(e)(2) (Nov. 1, 2023).

At the time of sentencing, Garten was assessed a total offense level of 35 and a criminal history category of I, resulting in an advisory guideline range of 168 to 210 months. (Docs. 98, 104). The Court sentenced Garten to a low-end sentence of

168 months' imprisonment. (Doc. 101). Because Garten had zero criminal history points, however, she is now eligible for an offense level reduction from 35 to 33 under Part B of Amendment 821. This results in a lower advisory guideline range of 135 to 168 months. The parties thus assert that a sentence reduction to 135 months is appropriate.

This Court agrees. Upon consideration of Garten's motion (Doc. 153), the Government's response (Doc. 154), the policy statement set forth at U.S.S.G. § 1B1.10, and the sentencing factors set forth in 18 U.S.C. § 3553(a), the Court **GRANTS** Defendant Kathryn G. Garten's motion and **ORDERS** that her sentence be reduced to a term of **135 months**. All other terms of the judgment in this case shall remain unchanged. This Order shall take effect on **February 1, 2024**.

IT IS SO ORDERED.

DATED: January 4, 2024

The image shows a handwritten signature in black ink that reads "Nancy J. Rosenstengel". The signature is written in a cursive, flowing style. To the right of the signature, there is a faint, circular official seal of the United States District Court for the District of New Jersey.

NANCY J. ROSENSTENGEL
Chief U.S. District Judge